

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. James Earl Staton Jr.

Docket No. 5:08-CR-89-1F

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of James Earl Staton Jr., who, upon an earlier plea of guilty to Possession of a Firearm by Felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on December 10, 2008, to the custody of the Bureau of Prisons for a term of 130 months. Upon a motion by the defendant pursuant to 28 U.S.C. § 2255, the defendant was sentenced to time served on June 8, 2016. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 2 years.

Staton was released from custody on June 9, 2016, at which time the term of supervised release commenced. On August 29, 2016, a Violation Report was submitted advising that Staton tested positive for marijuana on August 11, 2016, and he signed an admission of drug use form. The defendant was verbally reprimanded for this drug use, counseled about his actions, and the court agreed to continue supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On December 3, 2016, the defendant tested positive for marijuana, which was confirmed through laboratory analysis on December 12, 2016. During a home inspection on December 15, 2016, Staton admitted to smoking marijuana on November 29, 2016, and he signed an admission of drug use form. As a sanction for this violation, we are recommending that he serve 3 days in jail. Staton has been previously referred to outpatient substance abuse treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall be confined in the custody of the Bureau of Prisons for 3 days as directed by the probation officer and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith

Eddie J. Smith
Supervising U.S. Probation Officer

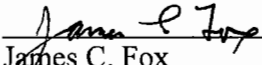
/s/ Dewayne L. Smith

Dewayne L. Smith
U.S. Probation Officer
201 South Evans Street, Rm 214
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Executed On: December 19, 2016

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ORDER OF THE COURT

Considered and ordered this 19 day of December, 2016, and ordered filed and made a part of the records in the above case.



James C. Fox
Senior U.S. District Judge